

## REMARKS

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Claims 1, 14 and 20 have been amended without prejudice.

A properly executed Power of Attorney signed inventor David Hall granting the undersigned to prosecute applications before the USPTO was enclosed in the last communication with the examiner. Accordingly, the Applicants request that this application be associated with the address of the undersigned for future correspondence with the U.S. Patent and Trademark Office.

The Office rejected to claims 1-6, 9, and 14-21, under 35 U.S.C. 103(a) as being unpatentable over Holcombe (5,516,603) in view of Turnbull (5,747,964) or Hargrave et al. (5,521,794) or Daniels Jr., et al. (3,553,018). Accordingly claims 1, 14 and 20 have been amended to overcome this rejection. Claims 1, 14 and 20 now all include that the battery is "disposed within an insert positioned within a downhole tool and that the insert comprises an inside diameter adapted for the passage of drilling fluids, the battery also being disposed within a recess formed in an annular wall of the insert, and at least one aperture formed in the inside diameter leading to the recess; the apertures being adapted to allow the drilling fluid to pressurize the batteries disposed within the recess." The Applicants respectfully submit that no new matter has been added, since the amendment is supported in the description of Figure 9. Holcombe, Turnbull, Hargrave and Daniels Jr. do not disclose or suggest an insert as claimed. Holcombe describes a battery pack with a flat flexible base which may be mounted to the interior or exterior circumference of a downhole tool. He does not disclose or mention an insert with an inner diameter adapted for passage of drilling fluid, nor does Holcombe disclose or suggest an insert with a battery disposed in an annular wall of an insert, nor does Holcombe disclose or suggest an insert with apertures leading to a battery which are adapted to allow drilling fluid to pressurize the battery. Daniel Jr. discloses a submergable battery with a pressure equalizer, but he does not disclose an insert as

claimed. Hargrave and Turnbull disclose various batteries, but do not disclose a downhole tool nor do they disclose an insert compatible with a downhole tool. Since Holcombe, Turnbull, Hargrave, and Daniels Jr. don't disclose an insert as claimed, the Applicants respectfully submit that claims 1, 14, and 20 are patentable over Holcombe (5,516,603) in view of Turnbull (5,747,964) or Hargrave et al. (5,521,794) or Daniels Jr., et al. (3,553,018).

Since independent claims 1, 14, and 20 are now allowable, and since claims 2-6, 9, and 11 depend from now allowable claim 1, and since claims 15-19 depend from now allowable claim 14 and since claim 21 depends from now allowable claim 20, the Applicants respectfully submit that claims 2-6, 9, 11, 15-19, and 21 are also now all allowable.

The Office rejected claims 7 and 13 under 35 U.S.C. 103(a) as being unpatentable over Holcombe in view of Turnbull (5,747,964) or Hargrave et al. (5,521,794) or Daniels, Jr., et al (3,553,018) as applied to claim 1 and further in view of Hikmet et al. (6,528,204). Since claims 7 and 13 both depend from now allowable independent claim 1, the Applicants respectfully submit that claims 7 and 13 are now also allowable.

The Office also rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over Holcombe in view of Turnbull (5,747,964) or Hargrave et al. (5,521,794) or Daniels, Jr., et al (3,553,018) as applied to claim 1 and further in view of Lake (5,326,652). Since claim 7 depends from now allowable independent claim 1, the Applicants respectfully submit that claim 7 is now also allowable.

The Office also rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Holcombe in view of Turnbull (5,747,964) or Hargrave et al. (5,521,794) or Daniels, Jr., et al (3,553,018) as applied to

claim 1 and further in view of Styen (6,007,932). Since claim 8 depends from now allowable independent claim 1, the Applicants respectfully submit that claim 8 is now also allowable.

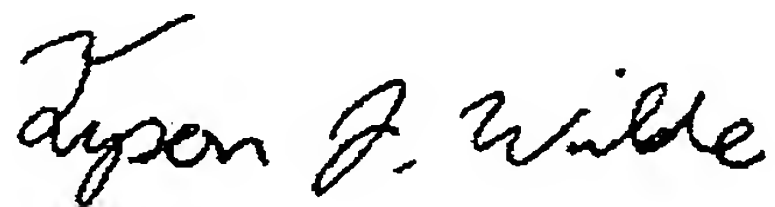
The Office also rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over Holcombe in view of Turnbill (5,747,964) or Hargrave et al. (5,521,794) or Daniels, Jr., et al (3,553,018) as applied to claim 1 and further in view of Das et al. (6,705,406). Since claim 10 depends from now allowable independent claim 1, the Applicants respectfully submit that claim 10 is now also allowable.

The Office also rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Holcombe in view of Turnbill (5,747,964) or Hargrave et al. (5,521,794) or Daniels, Jr., et al (3,553,018) as applied to claim 1 and further in view of Finger (5,451,881). Since claim 12 depends from now allowable independent claim 1, the Applicants respectfully submit that claim 12 is now also allowable.

In view of the arguments and amendments made herein, Applicants respectfully submit that the application is now in condition for allowance. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants believe that there are no fees due at this time. If there are any questions concerning the above, please contact the undersigned at 801-310-8427.

Respectfully submitted,



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<u>7-11-06</u>	<u>Tyson J. Wilde</u>
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